

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OASIS INTERNATIONAL WATERS,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 10-707C
)	(Judge Horn)
UNITED STATES,)	
)	
Defendant.)	

JOINT WITNESS LIST

Pursuant to the Court's June 23, 2014, order, the parties submit the attached updated joint witness list. The list includes time for direct and cross examination, as well as total expected time, and indicates which party will call which witness (and in some cases both parties plan to call the witness). The parties plan to call the witnesses in the order listed, but reserve the right to amend the order.

In addition, some of the witnesses might be taken out of order to accommodate their schedules. Specifically, Mr. Saikali will testify on July 29, 2014, before he relocates to Germany; Ms. Pelletier will testify on August 8, 2014 before deploying to Afghanistan; and Colonel Richardson will testify on August 11-12, 2014, in order to return to her military exercise in San Antonio later that week. There are other witnesses whose schedules the parties have and will accommodate during trial, but the above-listed are witnesses that the parties plan to take out of order.

The only issue of witness availability open is Mr. Wells. The parties stated their position in the most recent JSR filed on July 3, 2014, and the parties expect to discuss the issue on Wednesday with the Court during the pretrial conference.

/s/ Laurence Schor
LAURENCE SCHOR
lschor@asm-law.com
Asmar, Schor & McKenna, PLLC
5335 Wisconsin Ave, NW, Suite 400
Washington, D.C. 20015
(202) 244-4264
(202) 686-3567 (facsimile)
Counsel of Record for Oasis Int'l Waters, Inc.

July 7, 2014

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/ DONALD E. KINNER
Assistant Director

s/ JAMES P. CONNOR
Trial Attorney
STEPHEN C. TOSINI
Senior Trial Counsel
TANYA B. KOENIG
Trial Attorney
Department of Justice
Civil Division
Commercial Litigation Branch
PO Box 480, Ben Franklin Station
Washington, D.C., 20044
Tel: (202) 307-6290
email: James.Connor@usdoj.gov

Attorneys for Defendant

CERTIFICATE OF FILING

I hereby certify that on the 7th day of July 2014, a copy of the foregoing JOINT WITNESS LIST was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Tanya B. Koenig

	Witnesses	Plaintiff Calling	Plaintiff's Testimonial Topics	Time for Plaintiff	Defendant Calling	Defendant Testimonial Topics	Time For Defendant	Total Time
1	Phil Morrell	X	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance, Economic Duress and Coercion, Certified Claim, Texas Meeting	4 hours	X (adverse)	Mr. Morrell is expected to testify regarding Morrell Int'l, Inc.'s efforts to obtain the contract as an unsuccessful bidder, the formation of Oasis in '05, Oasis's performance of the contract, negotiation of various contract modifications in 2005 and 2006, his activities in relation to Oasis's communications with various outside parties, and his activities in relation to the certified claim.	4 hours	8 hours
2	Paul Morrell	X	Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours	X (adverse)	Mr. Morrell is expected to testify regarding the formation of Oasis in 2005, Oasis's performance of the contract, negotiation of various contract modifications in 2005-06, activities in relation to Oasis's communications with various outside parties, and the certified claim.	4 hours	8 hours
3	Alan Morrell	X	Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim	3 hours	X (adverse)	Mr. Morrell is expected to testify regarding his activities in relation to Oasis's communications with military personnel, performance of the contract, and his activities in relation to the certified claim.	4 hours	7 hours
4	Dan Petsche	X	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance, Certified Claim	5 hours	X (adverse)	Mr. Petsche is expected to testify regarding Morrell International, Inc.'s efforts to obtain the contract as an unsuccessful bidder, the formation of Oasis in 2005, Oasis's performance of the contract, negotiation of various contract modifications in 2005 and 2006, activities in relation to Oasis's communications with various outside parties, and the certified claim	5 hours	10 hours

	Witnesses	Plaintiff Calling	Plaintiff's Testimonial Topics	Time for Plaintiff	Defendant Calling	Defendant Testimonial Topics	Time For Defendant	Total Time
5	Paul Jeffries	X	Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance, Economic Duress and Coercion, Certified Claim, Calculation of Damages, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours	X (adverse)	Mr. Jeffries is expected to testify regarding the formation of Oasis in 2005, Oasis's performance of the contract, the negotiation of various contract modifications in 2005-06, his activities in relation to Oasis's communications with various outside parties, his activities in relation to the certified claim, and Oasis's document retention/production	4 hours	8 hours
6	Neil Vos	X	Invoicing and Payment, Certified Claim, Calculation of Damages	3 hours	X (adverse)	Mr. Vos is expected to testify regarding Oasis's performance of the contract, his activities in relation to Oasis's communications with various outside parties and his activities in relation to the certified claim	4 hours	7 hours
7	Barbara D'Amato	X	Contract W27P4A-05-C-0002, Role in Securing Project Financing for Oasis International Waters, Inc., Modification P00006	2 hours	X (adverse)	Ms. D'Amato is expected to testify regarding Oasis's and its predecessors' attempts to obtain outside financing, their representations to potential financiers and investors between 2005 and 2010.	3 hours	5 hours
8	Marcus Overbay	X (adverse)	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Funding, Contract Modifications P00001 through P00013, Funding for Modifications, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Certified Claim	2 hours			2 hours	4 hours
9	William King	X (adverse)	Contract funding and related issues.	2 hours			2 hours	4 hours

	Witnesses	Plaintiff Calling	Plaintiff's Testimonial Topics	Time for Plaintiff	Defendant Calling	Defendant Testimonial Topics	Time For Defendant	Total Time
10	Major (Ret.) Mauricio Vazquez, USAF	X (adverse)	Individual document retention and destruction; spoliation	5 hours	X	Maj. Vazquez is expected to testify regarding his issuance of the solicitation and award of the contract.	4 hours	9 hours
11	W. Maxwell (Max) Wyeth			3 hours	X (adverse)	Mr. Wyeth is expected to testify regarding AquaSource's response to the solicitation, his contemporaneous understanding of the contract, Oasis's performance of the contract, the issuance of various contract modifications, and the formation of Oasis	3 hours	6 hours
12	Major Marc A. Lopez			2 hours	X	Maj. Lopez is expected to testify regarding the negotiation of modification P00003.	1 hour	3 hours
13	Lieutenant Colonel Brandon Montler			2 hours	X	He is expected to testify regarding the facts and circumstances surrounding the negotiation of modification P00005 and Oasis's performance of the contract.	1 hour	3 hours
14	Lieutenant Colonel James E. Davis, USAF	X (adverse)	Individual document retention and destruction; spoliation	4 hours	X	Lt. Col. Davis is expected to testify regarding the negotiation of P00006 and delays in performance of the contract.	4 hours	8 hours
15	Colonel Renee M. Richardson, USAF	X (adverse)	Individual document retention and destruction; spoliation	6 hours	X	Col. Richardson is expected to testify regarding the facts and circumstances surrounding the negotiation of modification P00011 as well as later discussions with Oasis personnel.	6 hours	12 hours
16	Lieutenant Colonel Jamie Rhone, USAF	X (adverse)	Individual document retention and destruction; spoliation	3 hour	X	Lt. Col. Rhone is expected to testify about discussions with Oasis regarding the certified claim and negotiations that preceded the award of a follow-on contract to Oasis in 2009.	2 hours	5 hours

	Witnesses	Plaintiff Calling	Plaintiff's Testimonial Topics	Time for Plaintiff	Defendant Calling	Defendant Testimonial Topics	Time For Defendant	Total Time
17	Lieutenant Colonel Kevin R. Hobbs, USAF	X (adverse)	Individual document retention and destruction; spoliation	3 hour	X	Lt. Col. Hobbs is expected to testify regarding his final decision to deny Oasis's certified claim.	2 hours	5 hours
18	John McGrath			4 hours	X	John McGrath "was retained by the [DOJ] to perform an independent schedule/delay analysis regarding this project to provide purified bottled water to the United States military troops serving in Iraq, beginning in 2005." McGrath Rep. (Dckt. 159) at ¶ 1. Mr. McGrath will testify regarding his independent critical path analysis.	4 hours	8 hours
19	Eric Schaab			4 hours	X	Mr. Schaab "was retained by [DOJ] . . . to evaluate the damages claimed by Oasis . . . in this matter, . . . and to evaluate the revenue basis that the contractor(s) modeled contemporaneously." Schaab Rep. (ECF No. 160) at ¶ 1. Mr. Schaab will testify regarding his independent analysis	4 hours	8 hours
20	Douglas Masengale	X	The contents of the "expert report" of John McGrath; the contents of the rebuttal expert report of Douglas Masengale; testimony offered by John McGrath at trial.	3 hours	X (adverse)	Mr. Masengale was retained by Oasis to draft a report in rebuttal of Mr. McGrath's expert report. ECF No. 181. We expect him to be a hostile witness.	3 hours	6 hours
21	Dennis Allen	X	The contents of the "expert report" of Eric Schaab; the contents of the rebuttal expert report of Dennis Allen; testimony offered by Eric Schaab at trial.	3 hours	X (adverse)	Mr. Allen was retained by Oasis to draft a report in rebuttal of Mr. Schaab's expert report. ECF No. 180. We expect him to be a hostile witness.	3 hours	6 hours
22	Commander Jason Klingenberg, USN	X (adverse)	Individual document retention and destruction, transmittal of documents to Dean Carsello; spoliation	1 hour	X	Com. Klingenberg is expected to testify regarding the facts and circumstances surrounding his receipt of the certified claim.	1 hour	2 hours

	Witnesses	Plaintiff Calling	Plaintiff's Testimonial Topics	Time for Plaintiff	Defendant Calling	Defendant Testimonial Topics	Time For Defendant	Total Time
23	Dean Carsello	X (adverse)	Certified Claim, Claim Review, Contracting Officer Final Decision on Oasis Claim, Texas Meeting; individual document retention and destruction; spoliation	4 hours	X	Mr. Carsello is expected to testify regarding his receipt, retention, and disposition of documents related to this contract, as well as the facts and circumstances surrounding the searches of his hard drive	2 hours	6 hours
24	Major Robert Olipane	X (adverse)	Air Force Base networks and document retention policies and procedures; Central Command network in Iraq; spoliation.	3 hours	X	Mr. Olipane is expected to testify regarding the iraq.centcom.mil network document retention procedures from 2005 until 2011.	2 hours	5 hours
25	Scott Macchio	X (adverse)	Central Command network; spoliation.	2 hours	X	Mr. Macchio is expected to testify regarding CENTCOM IT policies and procedures	2 hours	4 hours
26	Christine Pelletier	X (adverse)	Central Command document retention policies and procedures; spoliation.	3 hours			3 hours	6 hours
27	Thomas Wells	X	Project and Contracting Office ("PCO") network, data retention, and backup systems; spoliation.	2 hours			2 hours	4 hours
28	Salah Saikali	X (adverse)	Project and Contracting Office ("PCO") network and document retention policies and procedures; spoliation.	2 hours			2 hours	4 hours
29	Donna Sherman	X (May Call) (adverse)	Project and Contracting Office ("PCO") data and/or systems stored in Winchester, VA; spoliation.	1 hour			1 hour	2 hours
30	Christina Holsclaw	X (May Call) (adverse)	Project and Contracting Office ("PCO") data and/or systems stored in Winchester, VA; spoliation.	1 hour			1 hour	2 hours
31	Roger Burgess	X (adverse)	Project and Contracting Office ("PCO") data and/or systems stored in Winchester, VA; spoliation.	2 hours			2 hours	4 hours
32	Don Unverrich			2 hours	X	Mr. Unverrich is expected to testify regarding the Camp Victory contracting office's lack of access to the U.S. Army Corps of Engineers PCO computer network	2 hours	4 hours